

**Question for written answer E-004337/2020
to the Commission**

Rule 138

Veronika Vrecionová (ECR)

Subject: Clarification of EU legislative framework for a returning Czech national worker in Belgium

With regard to Regulation (EC) No 883/2004 (application of Article 65(2) second subparagraph) and Court of Justice of the European Union Case C-308/94, *ONEM vs Naruschawicus*, could the Commission clarify whether the EU legislative framework is applicable in the following case:

A Czech national worked in Belgium as a cross-border worker returning to Czechia (their country of residence) less than once a week, i.e. they were not a frontier worker in the sense of Article 1(f) of Regulation (EC) 883/2004. They paid social security contributions in Belgium. Upon the end of their employment, the Czech national kept and stayed in a rented apartment in Belgium, registered with the Belgian unemployment authorities (Regulation (EC) 883/2004, Article 65(2) second subparagraph), complied with all instructions, actively searched for and found a job in Belgium. The Belgian authorities initially granted and provided unemployment benefits, but subsequently changed their decision and retroactively withdrew unemployment benefits due to the fact that the Czech national was not registered in the Belgian population register and their habitual residence (centre of interests) was in Czechia, regardless of the fact that they were actually present and searching for work in Belgium.

Does this practice infringe the internal market principles laid down in the Treaty on the Functioning of the European Union and Regulation (EC) 883/2004?